

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, October 11, 2022

5:00 PM

Regular

Commission Chambers

A. CALL TO ORDER 5:02 PM

Present: Commissioner District 1 Rita Pritchett, Commissioner District 3 John Tobia, Commissioner District 4 Curt Smith, and Commissioner District 5 Kristine Zonka

C. PLEDGE OF ALLEGIANCE

Commissioner Smith led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL

The Board approved the August 2, 2022 Regular, August 26, 2022 Regular, and September 6, 2022 Budget meeting minutes.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

E.1. Resolution Acknowledging October 2022 as Domestic Violence Awareness Month

Commissioner Pritchett read aloud and the Board adopted Resolution 22-133, proclaiming October 2022 as Domestic Violence Awareness Month.

Cynthia Mitchell, Domestic Violence Task Force, stated she is happy to be here and happy that the Board acknowledged National Domestic Violence Month; for anyone that might be watching, the Statewide hotline for domestic violence victim services is 800-500-1119; and she brought some purple ribbons to wear proudly this month.

Result: Adopted

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

E.2. Resolution to Adopt the Goal of Vision Zero

Commissioner Pritchett read aloud and the Board adopted Resolution 22-134, supporting and adopting the goal of Vision Zero.

Kim Smith, Education and Safety Coordinator for Vision Zero Project Manager, thanked the Commission; with the adoption of this resolution, it joined 12 municipalities who have already agreed that zero is the only acceptable number, as traffic fatalities are at epidemic proportion; and they are working as hard as possible to end those preventable deaths.

Result: Adopted

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

E.3. Resolution Acknowledging Breast Cancer Awareness

Commissioner Smith read aloud and the Board adopted Resolution 22-135, proclaiming the month of October 2022 as Breast Cancer Awareness month.

Daniel Knell, Regional President of Steward Health Care, stated breast cancer is the most common cancer diagnosed among U.S. women and the second leading cause of cancer deaths in women; all people know someone that has been impacted by breast cancer and the devastating impacts it has on their families and loved ones, and themselves, of course; it is never an easy disease to deal with, although there is hope; the initiatives like the resolution recognizing October as Breast Cancer Awareness Month in Brevard County will help spread the word and educate others of the importance of early detection strategies including monthly breast self-exams, mammograms, and clinical exams; for Steward Health Care and the hospitals in the State of Florida, he is honored to be presented this resolution; and he is excited it was passed.

Commissioner Smith thanked him for being there and reiterated the fact that Mr. Knell is the president of Steward Health Systems, and he was kind enough to take a little bit away from his busy day to come here to represent his health system and all the health systems here in Brevard County.

Result: Adopted

Mover: Curt Smith

Secunder: Rita Pritchett

Ayes: Pritchett, Tobia, Smith, and Zonka

F. ITEMS TO BE REMOVED FROM CONSENT AGENDA

Commissioner Tobia stated he would like to vote no, without comment on F.33; he explained the vote is no on the Tourism Development Council (TDC) appointment and yes on the Melbourne-Tillman appointment; and he would like to pull F.34. for discussion.

Commissioner Smith asked to pull F.24.

Chair Zonka stated there is a card for F.36.

The Board approved all Consent Items, with the exception of F.24., Resolution, Re: Parks and Recreation Department Schedule of Fees, F.34., 2022 County Advisory Board Annual Written Reports, and F.36., Requisition of Fiscal Year 2023 Budget - Brevard County Sheriff's Office.

F.1. Septic Upgrade Program Retroactive Payment Requests

The Board authorized staff to retroactively reimburse property owners that have installed advanced treatment septic systems, in accordance with the program criteria listed in the Agenda Report, as recommended by the Citizen Oversight Committee (COC); and authorized adapting program language as underlined in the Agenda Report, revised from the current program criteria which will allow retroactive reimbursements and provide appropriate program parameters.

Result: Approved

Mover: Rita Pritchett

Secunder: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.2. Florida Department of Environmental Protection (FDEP) Grant WG004 - Merritt Island Zone C Septic-to-Sewer

The Board authorized and executed the FDEP Grant Agreement WG004 for Merritt Island, Zone C, Septic-to-Sewer project; authorized the County Manager to execute any future amendments to the Agreement; and approved any related Budget Change Requests.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.3. Florida Department of Environmental Protection (FDEP) Grant WG005 - Merritt Island Zone F Septic-to-Sewer

The Board authorized and executed the FDEP Grant Agreement WG005 for Merritt Island, Zone F, Septic-to-Sewer project; authorized the County Manager to execute any future amendments to the Agreement; and approved any related Budget Change Requests.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.4. Waiver Request, Re: Waiver of Wall Requirement for Big Scott's Warehouse (22WV00006)(21SP00027)

The Board granted a waiver of Section 62-3202(h)(10) to allow the construction of a 6-foot fence with opaque vegetative buffer in lieu of a 6-foot masonry or solid wall.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.5. Waiver Request, Re: Waiver of Stormwater Management Criteria for Corporate Hanger (22WV00015)(21AD00020)

The Board granted a waiver of Section 62-3751, Exhibit A - Stormwater Management Criteria, Subsection 4.4, to allow for underdrains underneath the pond in order to lower the groundwater table on Merritt Island (barrier Island) and to allow for no plantings within the bottom of the pond.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.6. Final Plat Approval, Re: Viera Professional Center - Developer: Breslay Drive Partners, LLC

The Board approved and executed final plat approval for Viera Professional Center, Developer: Breslay Drive Partners, LLC.

Result: Approved
Mover: Rita Pritchett
Seconder: Curt Smith
Ayes: Pritchett, Tobia, Smith, and Zonka

F.7. Acceptance, Re: Binding Development Plan with Daren and Regina Dempsey

The Board executed a Binding Development Plan Agreement with Daren and Regina Dempsey for property located in Tax Parcel 8, recorded in ORB 9453, pages 917 – 919, of Section 34, Township 23 and Range 36 in Brevard County, Florida.

Result: Approved
Mover: Rita Pritchett
Seconder: Curt Smith
Ayes: Pritchett, Tobia, Smith, and Zonka

F.8. Approval, Re: Dedication of Sanitary Sewer Easement and Reuse Water Main Easement from DD Willett 17.31, LLC, for the Viera Boulevard Commercial Center II Multi-Family Project

The Board approved and accepted the Sanitary Sewer Easement and Reuse Water Main Easement from DD Willett 17.31, LLC, for the Viera Boulevard Commercial Center II Multi-Family Project.

Result: Approved
Mover: Rita Pritchett
Seconder: Curt Smith
Ayes: Pritchett, Tobia, Smith, and Zonka

F.9. Approval, Re: Quit Claim Deed for Tract EE for the Proposed Future Hollywood Boulevard Widening Project from: 1) Manchester Lakes Homeowners Association of Brevard, Inc. and 2) Manchester Lakes, LLC, a Dissolved Florida Limited Liability Company

The Board approved and accepted the Quit-Claim Deed for Tract EE for the proposed future Hollywood Boulevard Widening Project from Manchester Lakes Homeowners Association of Brevard, Inc. and Manchester Lakes, LLC, a dissolved Florida Limited Liability Company.

Result: Approved
Mover: Rita Pritchett
Seconder: Curt Smith
Ayes: Pritchett, Tobia, Smith, and Zonka

F.10. Approval, Re: Donation by Warranty Deed from J-R Briere, Inc., for Tracts A, B, C, D and E of Briere Subdivision Related to the Micco Master Stormwater Project

The Board approved and accepted the Warranty Deed from J-R Briere, Inc., for Tracts A, B, C, D and E of Briere Subdivision related to Micco Master Stormwater Project.

Result: Approved
Mover: Rita Pritchett
Second: Curt Smith
Ayes: Pritchett, Tobia, Smith, and Zonka

F.11. Approval, Re: 1) Warranty Deed and Easement from Stephen Tanner and Sophia Mellos, 2) Bill of Sale Lift Station from Stephen Tanner and Sophia Mellos, Pioneer Pointe, LLC and Pioneer Pointe Owners Association, Inc., 3) Bill of Sale Force Main from Stephen Tanner and Sophia Mellos, Pioneer Pointe, LLC and Pioneer Pointe Owners Association, Inc., and 4) Amendment to Covenants and Mutual Cross Easement Agreements for the Hampton Manor of Merritt Island Project

The Board approved and accepted the Warranty Deed and Easement from Stephen Tanner and Sophia Mellos, and Bill of Sale Lift Station and Bill of Sale Force Main from Stephen Tanner and Sophia Mellos, Pioneer Pointe, LLC and Pioneer Pointe Owners Association, Inc.; and accepted and authorized the Chair to execute the Amendment to Covenants and Mutual Cross Easement Agreements for the Hampton Manor of Merritt Island Project.

Result: Approved
Mover: Rita Pritchett
Second: Curt Smith
Ayes: Pritchett, Tobia, Smith, and Zonka

F.12. Adopt Resolution and Release Performance Bond: Sendero Cove and Sierra Cove at Addison Village, Phases 4 & 5 - Developer: The Viera Company

The Board executed and adopted Resolution 22-136, releasing the Contract and Surety Performance Bond dated August 24, 2021 for the Sendero Cove and Sierra Cove at Addison Village, Phases 4 and 5.

Result: Adopted
Mover: Rita Pritchett
Second: Curt Smith
Ayes: Pritchett, Tobia, Smith, and Zonka

F.13. Approval, Re: Donation of Right-of-Way by Warranty Deeds (5) and Public Utility and Drainage Easements (5) Needed for the Sunset Avenue Road Improvement Project, Phase 2

The Board approved and accepted the five Warranty Deeds and five Public Utility and Drainage Easements needed for the Sunset Avenue Road Improvement Project, Phase 2, as listed in the Agenda Report.

Result: Approved
Mover: Rita Pritchett
Second: Curt Smith
Ayes: Pritchett, Tobia, Smith, and Zonka

F.14. Approval, Re: Sidewalk Easement from Concept Real Property Holdings, LLLP, for a Commercial Retail Store

The Board approved and accepted the Sidewalk Easement from Concept Real Property Holdings, LLLP for a commercial retail store.

Result: Approved

Mover: Rita Pritchett

Secunder: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.15. Approval, Re: Drainage and Emergency Access Easement, and Drainage Easement from Harvest Landing Homeowners Association, Inc., Related to Harvest Landing Planned Unit Development (PUD)

The Board approved and accepted the Drainage and Emergency Access Easement and the Drainage Easement from Harvest Landing Homeowners Association Inc. related to Harvest Landing PUD.

Result: Approved

Mover: Rita Pritchett

Secunder: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.16. Approval, Re: Donation of Drainage Easement from Hugh Gregory Dixon and Dorothy A. Dixon for the Old Settlement Road Outfall Replacement Project

The Board approved and accepted the donation of the Drainage Easement from Hugh Gregory Dixon and Dorothy A. Dixon for the Old Settlement Road Outfall Replacement Project.

Result: Approved

Mover: Rita Pritchett

Secunder: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.17. Adopt Resolution and Release Performance Bond: Ivanhoe Drive Extension - Segment A - Developer: The Viera Company

The Board executed and adopted Resolution 22-137, releasing the Contract and Surety Performance Bond dated April 20, 2021, for the Ivanhoe Drive Extension – Segment A Project, Developer: The Viera Company.

Result: Adopted

Mover: Rita Pritchett

Secunder: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.18. Approval, Re: Permission to Quote and Utilize Piggyback Contracts for Goods and Services for the Public Works Department and Utilities Services Department

The Board 1) authorized Public Works, Utilities Services, and Central Services staff through September 30, 2024 to utilize written quotations and piggyback contracts (as necessary), in lieu of the formal bidding/advertising process to acquire goods and/or services when any of these

situations occur: a. Contracted goods and/or services are not available through the contracted vendor; or b. Goods or services were not included in the County's approved annual bid/quotes/proposal listing; c. In all cases, the procurement must be within the Board's Adopted Budget and for items estimated to be less than \$200,000 per project; 2) approved the award of goods and/or services to the lowest, responsive, and responsible quote that meets the requirements of the Public Works Department and Utilities Services Department with the concurrence of Central Services/Purchasing Services; 3) authorized the Departments to make reasonable efforts to receive at least three written quotations for a requirement, and in the event less than three written quotations are received from qualified vendors; authorized the County Manager, or designee, to waive the requirement for three written quotations; 4) authorized the County Manager, or designee, to execute piggyback contracts as determined by the Public Works Department and Utilities Services Department with the concurrence of Central Services/Purchasing Services to be in the best interest of the County after market research indicates it is in the best interest of the County, subject to review and approval by the County Attorney's Office, Risk Management, and Purchasing services, per Administrative Order 29; and 5) advised this authority will not be applied to procurements of professional services under Section 287.055, Florida Statutes.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.19. Approval, Re: Utility Easements from Andrew Gregori, Trustee of the Richard and Deborah Gregori Grantor Trust for the Gregori Construction Complex

The Board approved and accepted the Utility Easements from Andrew Gregori, Trustee of the Richard and Deborah Gregori Grantor Trust for the Gregori Construction Complex.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.20. Approval, Re: Annual Agreement and Associated Health Department Fee Resolution Between the Brevard County Board of County Commissioners and the Brevard County Health Department

The Board adopted Resolution No. 22-138, establishing and revising certain fees and charges for Brevard County Health Department and Health and Environmental Services, as authorized by the State of Florida Administrative Code or Policy; approved and authorized the Chair to execute the annual Agreement with the State of Florida, Department of Health for operation of the Brevard County Health Department for Fiscal Year 2022-2023; authorized the Chair and/or County Manager, or designee, to execute any future amendments or agreements, contingent upon approval of Risk Management and the County Attorney; and authorized the County Manager to execute all associated Budget Change Requests.

Result: Adopted

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.21. Approval, Re: St. Johns River Water Management District Conservation Easement on Land Donation Received from Jett Terrain, LLC

The Board approved and authorized the Chair to execute the Conservation Easement as required by St. Johns River Water Management District for the land donated by Jett Terrain LLC.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.23. Acceptance, Re: Donation of Land for the Environmentally Endangered Lands Program

The Board approved the acceptance of a donation of property from Alex Chamberlain, in Titusville; waived the requirement for a Phase 1 Environmental Site Assessment; authorized the Chair to execute the agreement accepting the donation upon County Attorney's Office and Risk Management's review and approval; and approved the payment of title and closing fees.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.25. Approval Re: Medicaid Waiver Services Agreement with the Florida Agency for Persons with Disabilities for Medicaid Waiver Home and Community-Based Services Transportation Program

The Board approved the Medicaid Waiver Services Agreement with Florida Agency for Persons with Disabilities for Medicaid Waiver Home and Community Based Services Transportation Program; and authorized Lance Parker, Transit Services Manager of Operations and Maintenance, to execute the Agreement.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.26. Approval, Re: Confirmation of the Membership in the County EMS Advisory Council

The Board acknowledged the reappointment of Tom Flamm, Stephen Mahaffey, Edwin Loftin, Jeff Gilliard, Nadyra Ingram, and Orlando Dominguez to the Emergency Medical Services Advisory Council; acknowledged the appointment of Patrick Voltaire, Nathalie Abbey, Steve Gilmore, and John Hustoles to the Emergency Medical Services Advisory Council; and all terms will expire on September 30, 2024.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.27. FY 2023 Meeting Schedule for Community Development Districts

The Board acknowledged receipt of the FY 2023 Meeting Schedule for the following Community Development Districts:

- Baytree Community Development District
- Mayfair Community Development District
- Montecito Community Development District
- Tranquility Community Development District
- Viera East Community Development District
- Willow Creek Community Development District
- Viera Stewardship Community Development District
- Heritage Isle at Viera Community Development District

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.28. Tentative Labor Agreement with Laborer's International Union Local 630 Pending Ratification by the Board of County Commissioners

The Board ratified the tentatively agreed upon modifications to the Collective Bargaining Agreement presented herewith; and authorized the County Manager to execute said Labor Agreement as provided for by Section 447.309, Florida Statutes.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.29. Permission to Advertise Public Hearing Regarding Merit System Policy Changes

The Board in accordance with Chapter 82, Personnel, Brevard County Code, granted permission to advertise for a Public Hearing on amendments to Merit System Policy II, Pay Plan.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.30. Incentive Pay for Non-Bargaining Unit Employees

The Board authorized incentive pay for non-LIUNA employees, at consolidated classification levels of Administrative Officer II, and the attached be eligible for incentive pay consistent with the LIUNA Labor Agreement, with effective date being October 1, 2022, the same effective date as the LIUNA Bargaining Unit Agreement.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.31. Resolution of Necessity for Acquisition of Easements for the Mid-Reach Segment of the Brevard County Shore Protection Project and Authority to Certify Lands

The Board approved and adopted Resolution No. 22-139, for the Mid-Reach Segment of the Brevard County Shore Protection Project; directed the County Attorney's Office and staff to proceed with this action in accordance with the statutory requirements set forth in Chapters 73 and 74, Florida Statutes, applicable to "quick-take" proceedings; and authorized the Chair to execute all Certifications of Lands for the Mid Reach of the Brevard County Shore Protection Project as prepared by the County Attorney's Office.

Result: Adopted

Mover: Rita Pritchett

Secunder: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.32. Legislative Intent and Permission to Advertise an Ordinance Amending Chapter 102, Article III, Section 102-119, Brevard County Code of Ordinances, Pertaining to the Tourist Development Plan

The Board approved legislative intent and granted permission to advertise the Board's intent to consider an ordinance amending Chapter 102, Article III, Section 102-119, Brevard County Code of Ordinances, pertaining to the tourist development plan.

Result: Approved

Mover: Rita Pritchett

Secunder: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.33. Appointments/Reappointment(s)

The Board acknowledged the appointment of Wayne Soard to the Tourist Development Council, replacing Tom Hermansen, with term of appointment to expire October 6, 2023.

Result: Approved

Mover: Rita Pritchett

Secunder: Curt Smith

Ayes: Pritchett, Smith, and Zonka

Nay: Tobia

F.33 Appointments/Reappointment(s) Continued

The Board acknowledged the appointment of Brant Hoffman to the Melbourne-Tillman Water Control District, with term of appointment to expire October 10, 2025.

Result: Approved

Mover: Rita Pritchett

Secunder: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.35. Bill Folder

The Board acknowledged receipt of the Bill Folder.

Result: Approved

Mover: Rita Pritchett

Secunder: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.37. 5121 Resolution Recognizing September 15th to October 15th as Hispanic Heritage Month

The Board adopted Resolution No. 22-141, proclaiming the month of September 15 – October 15, 2022, as Hispanic Heritage Month.

Result: Adopted

Mover: Rita Pritchett

Secunder: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.38. Appointments to Brevard Workforce Development, Inc. Board of Directors d/b/a CareerSource Brevard

The Board appointed Nuno Mana to serve on the Brevard Workforce Development Board (d/b/a CareerSource Brevard) with said term to expire June 30, 2025.

Result: Approved

Mover: Rita Pritchett

Secunder: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.24. Resolution, Re: Parks and Recreation Department Schedule of Fees

Commissioner Smith stated this came up in his meeting with staff yesterday; he mentioned there are preferred spots at the Parks that are near streams, better accommodations, or more comfortable; it was suggested that the fees for those locations could be increased by \$3; he thought that if people think those spots are that special, that \$5 or \$7 would be acceptable; and he wanted to ask what the Board thought.

Commissioner Pritchett responded that she did not disagree with him; she thinks the County is always trying to maintain the ability to cover the costs and struggles with that continually; and she asked Mary Ellen Donner, Parks and Recreation Director, if that would help with some of the fixed costs.

Ms. Donner replied yes.

Commissioner Pritchett stated it is not that much more and she thinks it may give more ability to keep the parks in better shape as well; and she is not opposed to that, as it is a minimal amount.

Commissioner Tobia stated he spoke to Ms. Donner on this; he expressed his thanks to her for all the work on this; the residents did not get an increase above the Consumer Price Index (CPI); she gave residents an extra month, in order to book before those seasonal increases, which could not be done for residents if it were to hit the CPI; he had balanced the fee increase

against a fee decrease that was done for folks that were not vacating the premises in a timely fashion; and unfortunately this would upset the balance that was struck there, as it is per day. He added when looking at a \$7 increase on a \$30 fee, which is like a 25 percent increase; and he does not think it is a bad idea, but it would take out the balance of the increase versus the increase since it is a daily fee. He stated he wanted to itemize why he would be voting no after asking Ms. Donner to go through a lot of work on this; he pointed out that residents would not be receiving anything higher than CPI because of the work that came out of her office; and she did a great job.

Chair Zonka stated she agreed with Commissioner Tobia on the fees and she feels this is a good balance; and she would hate to lose that discount.

Commissioner Smith asked why not make it \$5, then it would be a \$2 increase.

Chair Zonka stated she is open to revisit it next year, but she likes how it is structured for this year; she thinks Commissioner Smith made valid points; and she asked Ms. Donner to keep the Board informed if there is a struggle to keep up the grounds or see that it is necessary for the next year's budget.

Commissioner Smith made a motion for a \$5 increase, which would make it a \$2 increase over the proposed \$3 increase; and the motion failed.

Commissioner Pritchett made a motion to approve the Agenda Item as written.

The Board executed and adopted Resolution No. 22-140, amending the Parks and Recreation Department schedule of fees; approved the schedule of fees be effective November 15, 2022; and authorized the County Manager to set the campground fees comparable to other publicly-owned campgrounds in the region.

Result: Adopted

Mover: Rita Pritchett

Secunder: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.34. 2022 County Advisory Board Annual Written Reports

Commissioner Tobia stated he wanted to thank the Board for going along with the annual reports; he thinks it set some guidelines for the advisory boards and overall, the advisory boards did a great job on this, in fact, probably above and beyond; the bar was set pretty high and they do not need to go this far next time; to be clear, some goals are longer than one year, so some of this will be able to be put on next year; it is very important to keep the Board advised of what is going on, which has been done in this one-page form; and if there are any suggestions to improve that form, he would appreciate that. He reiterated what a good job the advisory boards did with the form.

Chair Zonka agreed that the reports were awesome and thorough; and she likes the idea of the attendance on there as well.

The Board acknowledged receipt of the 2022 County Advisory Board Annual Written Reports.

Result: Approved

Mover: John Tobia

Secunder: Rita Pritchett

Ayes: Pritchett, Tobia, Smith, and Zonka

F.36. Requisition of Fiscal Year 2023 Budget - Brevard County Sheriff's Office

Edwin Santos stated he is present to thank the Commissioners; he is representing the United Third Bridge Puerto Rican-Hispanic Chamber, accepting the Hispanic heritage proclamation that was offered today; he is present on his own, as the rest of the team is working on the Puerto Rican Day Parade which is on Saturday, October 22, 2022; he noticed the breast cancer people and thought that when they do the walk, they could come down to Palm Bay City Hall to enjoy the festivities; and he wanted to thank the Board, staff, and the public for honoring the Hispanic Heritage Month.

Chair Zonka noted that the Resolution passed, as the Item number was F.37., not F.36. that was written on the speaker card.

The Board approved the requisition of one-twelfth of the Fiscal Year 2023 budgeted funds at the first Board of County Commissioners' meeting in October 2022, one-sixth of the budget in January 2023, and equipment (capital) budget.

Result: Approved

Mover: Rita Pritchett

Secunder: John Tobia

Ayes: Pritchett, Tobia, Smith, and Zonka

G. PUBLIC COMMENTS

Namor Thomas stated she is speaking on behalf of the residents of Brevard County, Titusville, Mims, and Scottsmeer; it looks like they are the forgotten people during this hurricane; there is beautiful Melbourne, and Viera and nothing happened to them, but they are suffering with no lights, the St. Johns River is rising, animals walking around the place, and dead deer; there has been no word from the Commissioners; she had to knock on Titusville's door, the Commissioner's door, she emailed Commissioner Pritchett, called 2-1-1 and Brevard County; and all she got was excuses. She added she was about to go to CNN but she did not want to make it public and political; she loves her boonies out there with her \$10,000 trailer home because it is hers; she asked why they have not gotten any help; only yesterday, Brevard County came out with Federal Emergency Management Agency (FEMA) knocking on doors; and 10 days ago the hurricane passed and the water is rising, but they have not seen anything. She added there is nobody knocking on the doors for Mims and these people are on a fixed income and they need help too, they are people too; they vote for the Commissioners and pay taxes; they might be crazy, but they vote and they need help, and she spelled out H E L P; it might look nice out here with the \$200,000 houses and driving around, but they are in airboats to move from family to family, taking care of elderly out there; her friend that lives in 32755, right across from Geneva, says they are getting all the help but she cannot receive any help; she keeps getting denied but she is 62 years old; and she has pictures of brown water up to her waist and dead animals around. She stated they need help, even just a hug to say someone is there, but they get nothing; and Scottsmeer, Titusville, and Mims need help.

Commissioner Pritchett asked Ms. Thomas to wait as she just looked at her name; she made a call to everyone that has called in so far, as she is trying to keep up with this, and she does not remember her calling; she has a list of names of everyone she has been calling; if there is a situation or water in someone's home, she needs to know; she said she and John Scott, Emergency Management Director, have been trying to gather this information and sending photos up; and just today Mr. Scott was able to get the FEMA help. She added they have been working on this 24/7; there have been roads washed out in Mims, and Road and Bridge has been out there; most of the resources have been spent in North Brevard for flooding

as they did not qualify for FEMA until just today; she stated this department has been working so hard with the information being sent and going out taking photos; she does not know if they missed her, but they have been working very hard in her District; and she thanked Mr. Scott and others for their hard work.

Ms. Thomas commented they missed her trash pickup but they knocked on the door yesterday with FEMA.

Commissioner Pritchett responded she knows Ms. Thomas is frustrated but she needs to find out when she called her office; and she wanted her to look at her as she told her she called every single person that has called her office, and responded with emails; she is going to find out why she did not get hers; but she could not tell her how great the staff has been.

Ms. Thomas said all she got from her office was a flyer; and she asked what she could do with a flyer.

Commissioner Pritchett remarked that they would be getting FEMA help now; up until now there was no funding, but now there is; and she asked her to call her office tomorrow and she would talk to her.

Chair Zonka stated it is important to mention that unless FEMA is automatically sent in, the County has to fight for FEMA.

Commissioner Pritchett commented they said no the whole time.

Ms. Thomas stated the problem is there has been no communication; and when you can see Geneva getting the aid and none for us.

Commissioner Pritchett stated they are getting it now because Mr. Scott has been sending the photos.

Chair Zonka asked if Mr. Scott could give an update.

Mr. Scott remarked they absolutely did not forget about anyone; he has been working this area as hard as they can; he and his staff has been up in Scottsmeer, Mims, and Titusville; there are teams from Public Works as well; he reiterated that the FEMA assistance was not automatic for Brevard; for folks in Geneva, that is either Seminole or Volusia depending on where they live; if they have a Mims zip code, sometimes that can mess things up, but he has been working with the surrounding counties to deconflict that; the damage to Seminole and Volusia was significantly more than Brevard, so they got the assistance faster because it was a much more obvious; Brevard County has had to fight house by house, case by case to get the FEMA assistance; and fortunately, FEMA agreed with it today. He advised he can speak with her after the meeting, but also to go to disasterassistance.gov to apply, download the FEMA app and apply, or call 1-800-621-3362 for assistance; he shared that this is on the Brevard website and social media today; and they will continue to be in the area.

Sandra Sullivan stated Brevard needs to address sewage infrastructure and stop sewage discharges to the Lagoon; when it rains, they dump; the sewage issue points to major problems with the infrastructure, as stated by Florida Pier Director, Jerry Phillips; everyone knows to stop sewage dumps, the infrastructure needs to be fixed; hundreds of millions of gallons of sewage have been dumped into the Lagoon since 2010, including 22 million gallons in 2017; in September when it rained, Brevard County dumped 50,000 gallons of sewage from Port St. John's sewage plant; and with Hurricane Ian, more spills at Port St. John, another 7.2 million gallons of treated sewage to the Indian River Lagoon and South Beaches plant, and there was

only two to four inches of rain there. She went on to say the issue is these sewage plants are over the State concurrency of 85 percent, and such spills undo all the work of the Lagoon tax; but wait, it gets worse, an affordable housing ordinance is proposing a giant loophole for developers, waiving impact fees, concurrency exemptions, increased density with no consideration to near the Lagoon, when it is known such growth will impair the Lagoon, a 50 percent bonus density default, and super-bonus density on larger developments emphasizing flexibility; she added here is the kicker, the developer does not have to actually build any affordable housing, just pay into the trust fund; it is unclear if the trust fund fee would even be sufficient to offset the impact fees waived; and waiving impact fees is bad news for fixing infrastructure and increasing density near the Lagoon will assure its death. She stated in 2016, when the Lagoon tax was sold to voters, it included sewage plant upgrades to the Association of Water Technologies (AWT); in 2017, when there were 22 million gallons dumped in the Lagoon from South Beaches, promises were made to address the 60-year-old pipes and inflow and infiltration issues; this year, while other counties are on the Indian River Lagoon are improving, Brevard continued to decline from an F++ rating to an F- -; Brevard is the only county with a tax, which is now at about \$600 million and the County with the declining Lagoon; the people agreed to the half-cent sales tax to fix the Lagoon but were snowed because while people pay, this Commission is putting more and more development on sewage treatment plants that are over the State concurrency of 85 percent, putting the Lagoon at more risk; and there is no plan to address the issue, which means when it rains, Brevard dumps. She added the sewage discharge to the river needs to be stopped; and she asked where is the impact fee study that adjusts the developer's rates that have not been updated in nearly two decades.

Chair Zonka mentioned Ms. Sullivan talked about how the affordable housing plan waves impact fees, increases density, and offers a 50 percent density by default; and she asked what plan she was referring to.

Ms. Sullivan replied she attended the Affordable Housing Advisory Board meeting where a proposed ordinance was presented in the agenda, but was not in the agenda that was sent out; she was one of three people that attended that meeting; she asked for a copy of it and scanned it; and she said she could get Chair Zonka a copy of those documents.

Chair Zonka remarked she was just curious because that is nothing that the Board has passed and that is not in the charter amendment.

Ms. Sullivan noted it would be coming to the Commission and it will be approved or denied by the Affordable Housing Advisory Board Committee on October 20, 2022.

Chair Zonka responded that there are a lot of accusations without anything in place.

Ms. Sullivan stated she would send the documents after the meeting.

Chair Zonka noted that, for the record, this Board has not voted on anything like that; as far as affordable housing, it has not gotten to the Board yet; as far as investments for the Lagoon, and the Board not having a plan, she just got this report from the County Manager; it is pretty long and extensive so she will not read it line-by-line, but she read the County has already invested \$65 million in construction projects completed to eliminate discharge, there is \$24 million in assessment work that is completed, there is \$60 million in ongoing projects, and there is \$165 million in plan projects; and while she would love to go through each one, the several-million dollars that has been invested in the infrastructure, she thinks this Commission is doing everything it can. She added the Board cannot take responsibility for what was not done before it was here, but it is taking care of it now; she noted it is easy to get criticized for the mistakes of past Commissions, but this Board is doing everything it can now; and with an over \$314 million investment, she thinks it is doing the right thing.

Commissioner Pritchett stated it is something that people have to be a little bit patient with; she does not know if the County ever had so much water fall during a storm event as it did; anytime that happens, even the best system is going to have some messes; there were septic tanks overflowing because the system gets so battered; considering the storm that was had, it was probably the best scenario the County has had in a long time as far as trying to manage those overflows; and she cannot thank County staff enough, as well as the County Manager for his leadership through the last few years with all the projects that have been done.

Chair Zonka asked Frank Abbate, County Manager, to talk about what Senator Debbie Mayfield was able to do for the County; she thinks it is important to mention because oftentimes it is not heard on social media or anything like that; but she is very proud of Florida's Senator.

Mr. Abbate agreed that Senator Mayfield has worked very diligently; this past session she contacted the Utilities department and spoke to the issues of what would be most helpful; she was able to help get \$29 million of grants this past year for the South Beach facility; as late as today, she was speaking to staff about what could be done, additionally, in light of everything that has occurred; she is making the effort to help the County with deep well injection at the South Beach facility, which is about \$14 million; and he is looking at how to further fund that earlier so it can get the project online quicker.

Edward Fontanin, Utilities Director, stated through and agenda, the County has accepted a \$14 million upgrade on the South Patrick Drive/Riverside Drive corridor; this is going to be a resiliency project; the previous project that was completed was more of a pipe replacement to upsize; this is looking at now addressing, when stormwater events occur, to provide more capacity to handle those surge events, to avoid the overflow situations; the County has a six-million-gallon Advanced Wastewater Treatment (AWT), which means that when discharges do occur, the discharge going out will be AWT, which he can say professionally that the nutrient loading is very minimal and about as low as it can get; and he is excited about that. He added that the County has also received a \$2.2 million matching grant from Florida Department of Environmental Protection (FDEP) to do another AWT; and he has been in communication with Senator Mayfield about expanding on other projects with regard to resiliency and minimizing, which she has been very receptive to.

Chair Zonka commented it irritates her because it is easy to snip at the Board or government, because everyone likes to be angry at government every once in a while about something, but in reality, the County is doing everything it can as quickly as possible; the County has the money, made the commitment, not just the Board, but as a utility, it has made the commitment; she does not think it could go any faster or build anything bigger; if it could build a system and guarantee it would never have a spill, no one could afford to live here because it could not be afforded; and she thinks the hundreds of millions of dollars invested in the system now and in the future is everything the County can do to make sure that it is not doing anything harmful to the Lagoon; and she appreciates the list because she does not think people realize the investment and that it is pretty close to what the Lagoon tax was planned to collect.

Commissioner Smith stated he typically does not respond to the previous speaker because to do so elevates her to a level that she does not deserve; she uses a lot of half-truths and loves to point fingers; he is not sure she does not wear a tin hat and have helicopters circling around her; she presents her half-truths as facts and interjects her opinion as facts; he has served on the Indian River Lagoon Council since its inception in October 2015 and has been chairman twice; the Five County Consortium that serves this Indian River Lagoon community has done tremendous things; but as much as they have done, Brevard County has done more because it has taxed itself. He added Brevard County has done far more projects than any of them combined; as Chair Zonka mentioned, if the storm systems could withstand any storm, people

could not afford to live here; he mentioned Mexico Beach, Florida, and Houston, Texas, a couple years ago, had 100 percent failure in their sewers; a sewer is built to accommodate normal rainfall, with extra to cover emergencies, and every now and then, a storm comes and causes failures; he is not making excuses, but stating facts; and he stated the County could have been doing this 15 years ago, but the key is that it is doing it now. He went on to say the people have stepped up and voted to tax themselves; County staff has worked hard to do everything they can to come up with the ideas and work with scientists up and down the coast; he could not be prouder of what the County is doing; and he is sorry to be speaking about this person, but he could not keep his mouth shut again.

Chair Zonka stated she is usually pretty good with ignoring it because it is usually half-truths; it is just drive-by sniping and then she leaves; she gets her two cents in and then makes all these accusations and leaves the Board defending itself, then you hate yourself for even going there; but she feels it needs to be said because a liar needs to be called a liar.

Commissioner Smith commented the other thing that amazes him is the local newspaper, which he tries to support, but it becomes difficult when there is a discredited candidate that only got 23 percent of the vote, but they give her a sounding board so that she can attack the Board and denigrate everything it is doing; and they make her out to be an expert, but she is not.

Chair Zonka remarked it is like a researcher searching for the study they want to support.

Commissioner Pritchett stated it is partly because the newspaper wants to make money, and that sells papers; if it sounds like bad government, it will sell papers; she wishes they would get a little bit more of the other side to get a little bit more balanced; what she hates the most is that it confuses the community and gives everyone stress and wondering if it is doing something; the Board is working hard for the same purposes and outcomes and it is a good thing to be in; she is guessing the State of Florida would be the same; but she knows local government works and it is wonderful. She added she supports local government and wished the newspaper had another way to make money; maybe if people bought more ads it would not have to do that; and it is tough to swallow what is read sometimes and believe it.

J.1. Request Board Direction with Regard to a Request by Brevard Energy LLC to Amend and Restate the Current Landfill Gas Purchase Contract and Lease of Land

Tom Mulligan, Solid Waste Management Director, stated he is seeking direction from the Board with regard to the Landfill Gas Purchase Agreement and the Lease of Land held between Brevard County and Brevard Energy LLC; Brevard Energy LLC has owned and operated a landfill gas-to-energy plant at the Central Disposal Facility since 2006; as is permissible under the current agreement, Brevard Energy LLC wishes to construct a renewable natural gas facility, whereas instead of converting the landfill gas to electricity, they will convert the landfill gas to pipeline-quality natural gas; it will be piped out to a transmission main that runs parallel to Interstate-95; in order to ensure a return on investment, they are asking the County to amend and restate the Landfill Gas Purchase Agreement and the Lease of Land, with the term for one of the items being modified to 25 years; and he has presented three options for the Board.

Commissioner Smith made a motion to approve option 2; he mentioned in his briefing that he did not even know the County sold natural gas out of these dumps, and he thinks that is terrific; and he did not know which one to support so he asked Mr. Mulligan which he preferred.

The Board approved Option 2, to assemble a Negotiation Committee consisting of John Denninghoff, Assistant County Manager, Ron Beladi, Vice President of Neel-Schaffer, Inc.,

County Attorney's Office, and the Solid Waste Management Director to negotiate amendments to the current Landfill Gas Purchase Agreement and Lease of Land held by Brevard Energy, LLC.

Result: Approved

Mover: Curt Smith

Seconded: Rita Pritchett

Ayes: Pritchett, Tobia, Smith, and Zonka

J.2. Board Approval, Re: Temporary 90-Day Waiver of Building Permit Fees for Repair of Hurricane Ian Damage

Tad Calkins, Planning and Development Director, stated this item is for the Board to consider a temporary waiver of permit fees for 90 days for certain building permits relating to storm damage caused by Hurricane Ian; those permits are roof repairs and replacements, fences, air conditioning equipment repairs; screen enclosure repairs, screen enclosure repairs, repair of carports; drywall repairs, and repair of storm-damaged mobile homes; and he asked that it stipulates that those repairs are for storm damage, however, from a system standpoint, he just asks that the Board waive the fees for those permit types, regardless of storm damage or not, for 90 days, as it will be easier for staff from an administration standpoint. He added he thinks it will enhance the customer experience rather than coming in and trying to process refunds for permits where they would have to take payments online and then refunded.

Commissioner Pritchett thanked Mr. Calkins for getting this together; she thinks it is wonderful that he thinks of these situations to help the community out.

The Board approved 90-day temporary waiver of permit fees for building permits related to the repair of storm damage caused by Hurricane Ian, consisting of roof repair/replacement, fencing, air conditioning equipment repair, screen/pool enclosure repair, repair of carports, drywall repair, and the repair of damaged mobile homes.

Result: Approved

Mover: Rita Pritchett

Seconded: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

L.4. John Tobia, Commissioner District 3, Re: Board Report

Commissioner Tobia stated as of this morning, 29 businesses have signed-up for the self-certification registry; this is great news and shows high quality and character of the businesses that have signed up; one business, Tiger Claw Kung Fu Academy, declined to sign-up; as it turned out, the head of the martial arts studio and pastor of a local church, was arrested last month on charges of allegedly having sex with two teenage girls; unfortunately this stuff happens in the community and it is important for these types of businesses to sign-up; and he thanked staff and Commissioners for calling the businesses. He added that nearing the end of the year, Board resolutions are close to the cap of 12 and he would be voting no should any go further; and he reported that District 5 had nine, District 4 had eight, District 3 had two, District 2 had none, and District 1 had 11; and he noted that one resolution was on the Consent Agenda today, and those do not count. He wanted to thank the Board for coming together on the Community Redevelopment Agencies; he wanted to provide an update, as the 60 days is near conclusion; at this time, there have only been four responses, with the Merritt Island Redevelopment Agency currently working on their response; District 1 did a great job with Titusville, he heard back from Cape Canaveral, and Cocoa Beach replied that it did not lend itself well to the existence of affordable housing opportunities; he wanted to make it clear that

putting affordable housing in the plan is a good first step, but financing that is what he thinks they are looking for; and he thinks the Board has taken good leadership with the one that it has direct control over, the Merritt Island Redevelopment Agency, by putting some dollars behind that. He went on to say that affordable housing is always in the plans but if it is not funded, it is just words and not helping anyone; he wanted to thank Titusville for making changes as well as Cape Canaveral; he hopes to hear from Cocoa Downtown, Diamond Square, Rockledge, and Melbourne; he just wants to know that they are working toward putting resources to help those in need; and he wanted to thank the Board, as it is taking steps, and the local partners should be doing the same.

Chair Zonka mentioned she is disappointed that Cocoa Beach does not want to contribute to affordable housing and maybe the Board can find another way to contribute.

Upon consensus of the Board, the meeting adjourned at 5:56 p.m.

ATTEST:

RACHEL M. SADOFF, CLERK

RITA PRITCHETT, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA